

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 97-1054

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Burlington Industries, Inc.,

Appellant,

v.

Maples Industries, Inc.,

Appellee.

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Appeal from the United States  
District Court for the  
Eastern District of Arkansas.  
[UNPUBLISHED]

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Submitted: July 21, 1997

Filed: August 4, 1997

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Before WOLLMAN, BEAM, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

In 1996, Maples Industries, Inc. (Maples) appealed the district court's conclusion that it had personal jurisdiction over Maples in a diversity action brought by Burlington Industries, Inc. (Burlington). We reversed, remanded for dismissal of the action, and ordered the district court to conduct proceedings consistent with our opinion. See Burlington Indus., Inc. v. Maples Indus., Inc., 97 F.3d 1100 (8th Cir. 1996). Subsequent to our decision, Burlington moved in the district court for transfer

of its case to the Northern District of Alabama, pursuant to 28 U.S.C. § 1631. The district court denied Burlington's motion and dismissed the case, concluding that it lacked authority to transfer the case based upon the language of our mandate. This appeal followed.

We have the authority to review the district court's action for compliance with our mandate, and we note that a district court is bound to strictly obey appellate mandates on remand. See Bethea v. Levi Strauss & Co., 916 F.2d 453, 456 (8th Cir. 1990). As we did not address the issue of transfer, however, the district court did not lack authority to order transfer based upon our mandate. We therefore remand this case to the district court for consideration of Burlington's motion.

The district court's judgment is vacated, and the case is remanded.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.